

Zimring/Hawkins *Citizen's Guide to Gun Control: A Retrospective*

James B. Jacobs[†]

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Introduction

Throughout his long distinguished career, Frank Zimring has contributed an important body of empirical and normative scholarship to the study of gun violence and gun control. When I first encountered him as my criminal law professor at the University of Chicago in 1970, he had already served as the National Commission on the Causes and Prevention of Violence's research director¹ and already conducted groundbreaking

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[†] Chief Justice Warren E. Burger Professor of Law, New York University. BA Johns Hopkins '69; JD U of Chicago '73; PhD (Sociology) U of Chicago '75. Frank Zimring was Prof Jacobs' 1L Crim Law teacher in 1970 and steadfast mentor ever since.

¹ See NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, FIREARMS & VIOLENCE IN AMERICAN LIFE: A STAFF REPORT SUBMITTED TO THE

research showing the comparative lethality of gun versus non-gun robberies.² He had also published studies showing the positive relationship between the size of the civilian firearms stock and gun violence. Indeed, Zimring should be credited with having launched the empirical study of gun violence.³ These studies led Zimring to recommend stronger gun, especially handgun, regulation, including radical reduction of the number of handguns in civilian hands, restrictive licensing of handgun owners and registration of handguns and their owners.

In 1987, twenty years after his first gun research, Zimring and his frequent collaborator, Gordon Hawkins, brought Zimring's empirical and policy work together in a quasi-popular book, *The Citizen's Guide to Gun Control*. I say "quasi popular" because it is a short, highly readable book, accessible to a general audience. The writing is crisp, clear, and lively. However, it is first and foremost a scholarly book that analyzes what is known about the status of U.S. firearms ownership, public opinion on gun control and the consequences of U.S. civilian gun ownership on gun crime, suicide and accidents (mass shootings had not yet emerged as a high-visibility separate gun problem). Like all Zimring's oeuvre, then and now, *Citizen's Guide* is heavy on data effectively presented via graphs, figures, and charts. There are 21 short chapters divided into four parts: "Firearms and Violence," "Gun Ownership and Use," "Strategies of Gun Control," and "Perspectives on the Future." The authors sharply, and sometimes wittily criticize the work of some prominent scholars, in particular James Wright, Peter Rossi, and Kathleen Daly, for not having been careful about empirical claims and policy conclusions.⁴ Zimring and Hawkins are careful to qualify many of their own conclusions with caveats about incomplete data and the need for more empirical research.

This essay concentrates on *Citizen's Guide's* policy analyses, predictions, and prescriptions for regulation of handguns which are far more closely linked to violence than long guns (rifles and shotguns).⁵

NATIONAL COMMISSION ON THE CAUSES & PREVENTION OF VIOLENCE (1969).

² See, e.g., Franklin E. Zimring, *Is Gun Control Likely to Reduce Violent Killings*, 35 U. CHI. L. REV. 71, (1968); see also Franklin E. Zimring, *Firearms, Violence and Public Policy*, 265 SCI. AM. 48 (1991).

³ See Richard Harding, *Frank Zimring and Gun Control: A True American Guru* (forthcoming 2019).

⁴ FRANKLIN E. ZIMRING & GORDON HAWKINS, *THE CITIZEN'S GUIDE TO GUN CONTROL* 95 (1987) (discussing JAMES D. WRIGHT, PETER H. ROSSI & KATHLEEN DALY, *UNDER THE GUN* (1987)).

⁵ See *id.* at 35, 53, 118, 178, 205.

They called handgun control a compelling national priority.⁶ They urged policy makers to commit to drastically reducing the civilian handgun stock, estimated at 35 million, to three million.⁷ This could be accomplished, they thought, by capping production and importation, and by restrictive licensing or handgun prohibition.⁸ They foresaw an increasing number of municipal governments voluntarily adopting restrictive licensing for handguns or even banning handguns altogether, but they recognized the need for the federal government to impose a policy of handgun scarcity on unwilling states and municipalities.⁹

Citizen's Guide is relatively optimistic about gun control's prospects. Writing in the wake of the NRA-favored 1986 Firearm Owners' Protection Act, they dismissed that Act as merely a "symbolic" victory for gun owners' rights proponents and not a serious setback to gun control's prospects.¹⁰

Zimring and Hawkins predicted: 1) universal permissive licensing (a presumptive right to a license unless the license applicant is a member of a statutorily prescribed dangerous category such as convicted felon, drug addict, or person previously committed to a mental hospital); 2) a national handgun registry that links guns to gun owners; 3) passing a federal law making it an offense to transfer a handgun to a person whose possession is illegal in the jurisdiction where the transferee resides; and 4) federal law enforcement assistance to states and cities attempting to implement and enforce more restrictive regimes than the federal minimum.¹¹

From the distance of thirty years, this essay reviews how, in the eyes of very sophisticated analysts, gun control's prospects looked in the

⁶ *Id.* at 119.

⁷ *Id.* at 185.

⁸ *Id.* at 179-192.

⁹ *Id.* at 181.

¹⁰ *Id.* at 135. By "symbolic," I think they meant that that law amounted to a political triumph for the National Rifle Association, but the law did not significantly weaken federal gun regulation.

[M]any on both sides of the gun control debate see the issue in almost exclusively ideological terms. . . . From this symbolic perspective, the gun lobby won a significant if qualified victory. In fact, the blunderbuss retreat from federal gun control passed in the Senate and proposed in the House ultimately was modified to preserve handgun regulation almost intact and to maintain significant regulatory power over firearms dealers. But if one's criterion is whether the 1986 act was a step toward or away from control, that direction was clearly away.

¹¹ *Id.* at 181.

mid to late 1980s and assess how well Zimring and Hawkins's predictions and recommendations stand up to the test of time. We will see that by 2018, gun and gun control facts on the ground have changed significantly. Policy predictions and prescriptions that seemed inevitable, or at least plausible, in the late 1980s seem less plausible today. This retrospective book review reminds us that prediction is an art, not a science. Indeed, Zimring & Hawkins themselves warned that policy analysts have no "crystal ball."¹² Certainly, we should be cautious about predicting what gun control will look like three decades from now.

In retrospect, Zimring and Hawkins wrote *Citizen's Guide to Gun Control* when political support for addressing urban gun violence was near its apex. Gallup's public opinion polling shows that popular support for gun control peaked in 1991 when 78% of respondents answered the following question affirmatively: "Do you feel that the laws covering sale of firearms should be made stricter, less strict or remain the same?" Affirmative answers dropped to 44% in 2012, but rebounded to 60% in 2017.¹³ Federal gun control reached its high water mark a few years after publication of *Citizen's Guide*.¹⁴

The 1993-94 Brady Law, Assault and Large Capacity Magazine Bans and Violence Against Women Act

The Brady Handgun Violence Prevention Act was the most important federal gun control law since the 1968 Gun Control Act.¹⁵ It was first introduced into Congress in 1987 and reintroduced every session thereafter until enactment in November 1993.¹⁶ The Act required federally licensed firearms dealers (FFLs), before selling a handgun (later extended to all firearms), to notify the Chief Law Enforcement Officer (CLEO) in that FFL's jurisdiction. The CLEO would have up to five business days to conduct a purchaser background check and, if warranted, block the sale.¹⁷ The Act further required that, by 1998, the U.S. Attorney General establish a computerized FBI-operated National Instant Background Check System (NICS); at that point the CLEO's role would disappear.¹⁸ NICS became operational on schedule. Subsequently, FFLs

¹² *Id.* at 179.

¹³ GALLUP, GUNS, <http://news.gallup.com/poll/1645/guns.aspx> (last visited Feb. 27, 2018).

¹⁴ See JAMES JACOBS, CAN GUN CONTROL WORK? 77-98 (2002).

¹⁵ See Brady Handgun Control Act, Pub. L. 103-159, 107 Stat. 1536 (1993).

¹⁶ JACOBS *supra* note 14 at 61-76.

¹⁷ *Printz v. United States*, 521 U.S. 898, 903 (1997).

¹⁸ See JACOBS, *supra* note 14 at 78.

had to confirm and transmit firearm purchasers' identity information to NICS (by phone, fax, or electronic transmission).¹⁹ NICS personnel had up to three business days to block the sale if they determined that the purchaser's name was included in a firearms-ineligible database.²⁰ If, after three business days, the FBI did not instruct the FFL to abort the sale, the FFL could complete it.²¹

While gun control proponents praised the Brady Act as a giant step toward keeping guns out of the hands of criminals and other irresponsible persons, Zimring and Hawkins might have regarded it as "symbolic" because the Act's mandated background checking only applies to gun purchasers who buy from an FFL.²² The Act left secondary market (i.e. non-FFL sales) completely unregulated. A firearms-ineligible person could easily find a willing seller on the secondary market by placing an ad in a newspaper or other publication, posting a gun-wanted notice on an employer's, church's, general store's or other bulletin board or making inquiries at local bars.²³ Today, there are specialized websites that facilitate connection between the willing gun sellers and buyers.²⁴ Moreover, the Brady Act could easily be circumvented by a firearms-ineligible person recruiting (as a favor or for compensation) a firearms-eligible "straw purchaser" to buy a gun for him.²⁵ The Brady Act established a federal background checking regime rather than a licensing regime, it was consistent with Zimring and Hawkins's recommendation that the federal government impose, or at least strongly encourage, handgun purchaser vetting via licensing.²⁶ Although the Act requires that people who acquire guns from FFLs pass an FBI background check, the Act would have been far more effective if, as Zimring and Hawkins recommended, it had mandated universal state and/or local licensing of gun possessors, which would have imposed on every handgun acquirer (no matter the seller's status) a legal duty to first pass a background check. In addition, some states probably would have implemented licensing schemes with background checking more rigorous than the Brady Law requires. For example, a handgun licensing scheme might require the

¹⁹ *Id.* at 94-95.

²⁰ *Id.* at 95.

²¹ *Id.*

²² See *id.* at 112.

²³ *Id.* at 100-01.

²⁴ See, e.g., ARMSLIST FIREARMS MARKETPLACE, <http://www.armslist.com/> (last visited Feb. 10, 2018) (listing guns for sale on the secondary market).

²⁵ See JACOBS, *supra* note 14, at 107.

²⁶ ZIMRING & HAWKINS, *supra* note 4, at 181.

applicant to submit character references or show good cause for needing a handgun. Universal licensing, if effectively implemented and enforced, would deter gun owners from transferring guns to a firearms-ineligible person; the Brady Law provides no such deterrence. Moreover, if licensing was accompanied by registration of owner and firearm, as Zimring and Hawkins also urged, when the police recover a gun at a crime scene they could trace it to its registered owner. Of course, implementing and enforcing an effective registration program would entail major challenges, and criminals would seek to acquire unregistered guns on the black market.²⁷

National Handgun Registration

Zimring and Hawkins recognized the extreme difficulty, given the huge civilian handgun stock, of keeping handguns out of “bad guys” hands while allowing “good guys” easy access to them.²⁸ They argued that handgun licensing would not work without mandatory handgun registration because some first owners sell, gift, or barter their gun to another person, who may then transfer the gun to a third person.²⁹ Consequently, they recommended that handgun owners be required to provide a federal registry with information on all handguns they possessed, and that they notify the registry when and to whom they transfer a handgun.³⁰ “It seems perverse not to require registration of some kind in any system that seeks to prevent gun violence by barring certain groups from gun ownership.”³¹ Registration would require a repeal of a Firearms Owners’ Protection Act provision in order to create a gun or gun owner registry.³²

Zimring and Hawkins wrote that the reason that gun owners and their advocates vehemently oppose firearms registration is “partly obscure.”³³ This seems a surprising observation since the NRA, other gun owners’ rights groups, and many gun owners themselves often point out

²⁷ See generally James B. Jacobs & Zoe Fuhr, *The Potential and Limitations of Universal Background Checking for Gun Purchasers*, 7 WAKE FOREST J.L. & POL’Y 537, 577 (2017).

²⁸ ZIMRING & HAWKINS, *supra* note 4, at 116.

²⁹ *Id.* at 181.

³⁰ *Id.* Universal Registration would not be unconstitutional; it would not infringe on the right to keep and bear arms. The government (federal, state, or local) arguably has a strong interest in knowing who has handguns or any type of firearms.

³¹ JACOBS, *supra* note 14, at 117.

³² Firearms Owners’ Protection Act, Pub.L. 99-308, 100 Stat. 449 (1986).

³³ ZIMRING & HAWKINS, *supra* note 4, at 116-117.

that a comprehensive gun registry would facilitate gun taxation, stringent regulation and even confiscation.³⁴ Indeed, in a 1969 book, Hawkins and Norval Morris called for banning civilian ownership of handguns and severely limiting civilian access to long guns.³⁵ Thus, to allay gun owners' fear that a registry would presage confiscatory taxation, more stringent regulation, or even confiscation, Zimring and Hawkins recommended that the proposed federal handgun registration law should include assurance that handgun registrants will never be subject to more stringent regulations.³⁶ However, their prediction that many gun owners would not believe such a promise is justified because future Congresses could not be bound by the prior Congress.

Since 1968, gun owners who possess a gun illegally are in violation of the federal felon-in-possession law, which carries a maximum ten-year sentence.³⁷ It is implausible that the threat of an additional sentence for failing to notify a federal registry about the gun(s) they possess would persuade these felons-in-possession to surrender their handguns. They would also have a strong argument that requiring disclosure of their illegally possessed gun(s) violates the Fifth Amendment.³⁸

With respect to acquiring a new gun, the firearms-ineligible individual could easily circumvent the licensing/registration regime by: 1) recruiting a straw purchaser willing to purchase a gun for him/her; or 2) buying a gun from an FFL or non-FFL willing to sell a gun in violation of the background checking, licensing, and registration requirements.³⁹ It is very unlikely that enforcement of the registration law would ever become a high law enforcement priority. Indeed, it is hard to envision what a vigorous enforcement strategy aimed at "off the books" gun transfers between willing sellers and willing buyers would look like. Hence, we can anticipate substantial noncompliance with universal

³⁴ See NRA-ILA, "What Strong Case For Gun registration?" <https://www.nra.org/articles/20160603/what-strong-case-for-gun-registration>.

³⁵ NORVAL MORRIS & GORDON J. HAWKINS, *THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL* (1970) at 63.

³⁶ See ZIMRING & HAWKINS, *supra* note 4, at 182-183.

³⁷ 18 U.S.C § 922(g)(1) (2004).

³⁸ See *Haynes v. United States*, 390 U.S. 85 (1968) (federal firearms registration requirement violated the Fifth Amendment right against compelled self-incrimination, since requiring a convicted felon to register a firearm amounted to requiring the felon to admit having committed a criminal offense).

³⁹ Jacobs & Fuhr, *supra* note 27, at 583.

background checking.⁴⁰

One indication of the magnitude of noncompliance that probably would accompany a universal registration law is the low compliance achieved by state assault weapon registration laws.⁴¹ In New York State (NYS), for example, a 2013 law permitted persons who possessed otherwise prohibited assault weapons, on the day the assault weapon ban became effective, to keep those weapons if they registered them with the NYS Police.⁴² It is likely that fewer than ten percent of owners registered.⁴³ Connecticut's assault weapon achieved similar non-compliance.⁴⁴

Zimring and Hawkins speculated that national handgun registration could be accomplished at modest expense.⁴⁵ In retrospect, this is overly optimistic. Canada's attempt, initiated in 1995 to register rifles and shotguns in response to a massacre at Ecole Polytechnique in Montreal, belies Zimring and Hawkins's cost optimism.⁴⁶ The price tag of the Canadian program ballooned from a projected \$2 million to \$1 billion.⁴⁷ Ultimately, in 2011, the Canadian government abandoned the effort and destroyed the registration records.⁴⁸ Given the U.S.'s much greater population (320 million versus 35 million), vastly greater civilian firearms stock (estimated 300 million firearms versus 18 million) and the U.S.'s far better organized and more impassioned gun rights advocacy groups, U.S. federal registration would face much more resistance and cost much more to implement. Enforcement would be a big problem in states where gun control is unpopular and even in gun-friendly counties in states that favor gun control.

Assault Weapon and Large Capacity Magazine Bans

While the first military-style assault weapons had begun to appear

⁴⁰ *Id.* at 576-578.

⁴¹ See JACOBS, *supra* note 14 at 150.

⁴² See James B. Jacobs, *Why Ban 'Assault Weapons'?*, 37 CARDOZO L. REV. 681, 687 (2015), at n.177, p. 709.

⁴³ *Id.*

⁴⁴ James B. Jacobs & Zoe Fuhr, *The SAFE Act: New York's Ban on Assault Weapons and Large Capacity Magazines*, 57 CRIM. L. BULL. 4 (2017).

⁴⁵ ZIMRING & HAWKINS, *supra* note 4, at 182-183.

⁴⁶ Daniel Fischer, *Canada Tried Registering Long Guns—And Gave Up*, *Forbes* (January 22, 2013), <https://www.forbes.com/sites/danielfisher/2013/01/22/canada-tried-registering-long-guns-and-gave-up/#7a4307725a1b>.

⁴⁷ *Id.*

⁴⁸ *Id.*

in the late 1960s,⁴⁹ California passed the first assault weapon ban in May 1989, several months after a deranged gunman used an assault weapon to kill five children at Cleveland Elementary School in Stockton, California.⁵⁰ Zimring and Hawkins added a chapter on assault weapons in the 1992 paperback edition of *Citizen's Guide*.⁵¹

Interestingly, they were agnostic about the utility of subjecting “assault weapons” to special regulation. They zeroed in on the definitional problem.⁵² What distinguishes a semi-automatic assault rifle from other semi-automatic rifles? Zimring and Hawkins were skeptical that any definition would convincingly distinguish dangerous assault weapons from equally dangerous non-assault weapons. “The problem is how to tell the bad semi-automatic weapons from the good ones.”⁵³ They suggested that banning all semi-automatics might make more sense than a ban “based on brand name, or on hearsay information about the current street reputation of weapons, or on the belief that expert opinion can develop a litmus test for the sporting purposes of semi-automatic weapons at some future date.”⁵⁴ However, banning all semi-automatics would require a political sea change, not least because the majority of civilian-held handguns, pistols, and long guns manufactured today are semi-automatics.⁵⁵ Zimring and Hawkins themselves pointed out that the more popular a firearm model is with hunters and target shooters, the more politically difficult it is to prohibit or stringently regulate.⁵⁶

⁴⁹ James B. Jacobs, *Why Ban 'Assault Weapons'?*, 37 CARDOZO L. REV. 681, 687 (2015).

⁵⁰ See Roberti-Roos Assault Weapons Control Act of 1989, CAL. PENAL CODE § 12276 (repealed 2012) (current version at CAL. PENAL CODE § 30500 (West 2015)). The California Supreme Court and the Ninth Circuit upheld the Act. See *Kasler v. Lockyer*, 2 P.3d 581 (Cal. 2000); *Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002). However, the US Supreme Court's second amendment cases later called the constitutionality of the act into question. See *District of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald v. City of Chicago*, 561 U.S. 742 (2010). The Supreme Court denied certiorari in a case that rejected a constitutional attack on California's assault weapons ban. *People v. James*, 174 Cal. App. 4th 662 (Cal. Ct. App. 2009), cert. denied, 559 U.S. 946 (2010).

⁵¹ ZIMRING & HAWKINS, *CITIZEN'S GUIDE TO GUN CONTROL*, paperback edition (1992).

⁵² ZIMRING & HAWKINS, *supra* note 4, at 171.

⁵³ *Id.*

⁵⁴ *Id.* at 177.

⁵⁵ According to the NRA, in 2013, 20 percent of firearms, and 50% of handguns, in civilian hands were semi-automatics. “Semi-Automatic Firearms and the “Assault Weapon” Issue Overview,” Ammoland, Feb. 19, 2013, <https://www.ammoland.com/2013/02/semi-automatic-firearms-and-the-assault-weapon-issue-overview/#axzz5YMUqfEWw>.

⁵⁶ ZIMRING & HAWKINS, *supra* note 4, at 154.

Gun control proponents scored a huge political victory with the 1994 federal assault weapon and large capacity magazine bans.⁵⁷ The law prohibited manufacture, sale, and possession of dozens of named semi-automatic rifle, shotgun, and pistol models.⁵⁸ It also gave the Bureau of Alcohol, Tobacco, and Firearms (ATF) discretion to ban additional models.⁵⁹ ATF established a point score based upon the number of a firearm's many military-like features such as a bayonet mount, collapsible stock, flash suppressor, and pistol grip.⁶⁰ Consumers insisted that the proscribed features do not make a gun more dangerous⁶¹, but claimed that these features made the military-style weapons easier to use for target shooting and self-defense. Moreover, the federal ban grandfathered assault weapons that had been manufactured before the effective date of the act, thus undermining the argument that military-style semi-automatics are too dangerous for civilian ownership.⁶² Grandfathering also made enforcement difficult because guns are not stamped with a manufacture date. How could a prosecutor prove that a prohibited assault weapon possessor "knew" that his gun had been manufactured after 1994? And would juries convict a person for possessing a post 1994 assault weapon identical to the pre-1994 gun that a neighbor possesses legally?

The federal assault weapon ban was probably a mistake for gun control proponents because it distracted attention and resources from regulating or prohibiting handguns. As Zimring and Hawkins observed:

"Proponents of 'assault weapon' controls should not claim too much for these proposals. . . In the evolution of policy on firearms and violence, the easily concealed Smith and Wesson handgun is a much more important gun than the AK-47. There is probably no city in the United States where semi-automatic rifles pose one tenth the crime problem of handguns."⁶³

In any event, Congress allowed the ban to expire in 2004.⁶⁴ Today, assault rifles may be the best-selling long guns in the U.S.⁶⁵

⁵⁷ See Public Safety and Recreational Firearms Use Protection Act, H.R. 4296, 103rd Cong. (1994).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Jacobs, *supra* note 49, at 693.

⁶¹ *Id.* at 707.

⁶² *Id.* at 693.

⁶³ ZIMRING & HAWKINS, *supra* note 4, at 177.

⁶⁴ Public Safety and Recreational Firearms Use Protection Act, H.R. 4296, 103d Cong. (1994) §4(b), which amended 18 U.S.C. § 922.

⁶⁵ Kate Irby. "Nobody Knows Exactly How Many Assault Weapons Exist in the U.S. –

The 1994 Act also banned large capacity magazines (LCMs) and other ammunition feeding devices with greater than ten round capacity.⁶⁶ The goal was to interrupt mass shooting incidents by forcing shooters to reload or switch weapons sooner than would have been the case had they possessed larger capacity magazines.⁶⁷ In the two or three seconds needed to replace a spent magazine with a fresh one, potential victims might be able to escape or subdue the perpetrator. By grandfathering millions of pre-1994 manufactured LCMs, the Act ensured a huge civilian supply of LCMs for decades to come and made criminal prosecution difficult. Since magazines are not stamped with a manufacture date, how was a LCM possessor to know that his magazine had been manufactured after the effective date of the Act? In any event, the LCM ban also expired in 2004. Today, while nobody knows for sure, there are probably millions of large capacity magazines in civilian hands, with the number increasing every day.⁶⁸

Disarming Domestic Abusers

Handguns were Zimring's and Hawkins' principle concern because easily concealed handguns were and are by far the most prevalent type of firearm used in crime.⁶⁹ However, given Zimring's previous research on intimate violence,⁷⁰ the authors were certainly not unaware that easy handgun availability facilitates domestic gun assaults and homicides. In the mid-1990s, Congress passed two laws to prevent domestic abusers from obtaining and retaining guns.⁷¹ The 1994 Violence Against Women Act (VAWA)⁷² disqualified from firearms ownership

By Design," Slate, Feb 23, 2018, <https://www.mcclatchydc.com/news/nation-world/national/article201882739.html>.

⁶⁶ *Id.*

⁶⁷ For example, the Colorado Appeals Court recently upheld a large capacity magazine ban on the ground that its purpose was to "reduce [the] number of people who are killed or shot in mass shootings." *See Rocky Mountain Gun Owners v. Hickenlooper*, 2018 COA 149.

⁶⁸ *See supra* note 65.

⁶⁹ For example, *see* Lois Beckett, "The Assault Weapon Myth," New York Times, September 12, 2014, <https://www.nytimes.com/2014/09/14/sunday-review/the-assault-weapon-myth.html>.

⁷⁰ *See, e.g.*, Franklin E. Zimring, Satyanshu K. Mukherjee & Barrick Van Winkle, *Intimate Violence: A Study of Intersexual Homicide in Chicago*, 50 U. CHI. L. REV. 910 (1983).

⁷¹ 18 U.S.C. § 922(g)(9).

⁷² Violent Crime Control and Law Enforcement Act, H.R. 3355, 103rd Cong., §§ 40001-40703 (1994).

certain persons (intimate partner, spouse, ex-spouse, co-parent) subject to a domestic violence protection order, as long as the respondent had notice of the hearing at which the order was issued, from possessing a firearm during the pendency of the order;⁷³ military and law enforcement personnel were exempted. The problem is implementation. A significant percentage of these domestic violence protection orders are not entered into NICS.⁷⁴ Moreover, while VAWA made it illegal for persons subject to domestic violence protection orders to continue possessing a gun, there was no federal law enforcement capacity to enforce the law. A few states passed parallel laws,⁷⁵ but local police have neither a strategy nor resources to enforce them.⁷⁶

The 1996 Lautenberg Amendment was another federal law aimed at disarming domestic violence abusers.⁷⁷ It imposed lifetime disqualification from firearms possession on persons ever convicted of a domestic violence misdemeanor.⁷⁸ The biggest implementation problem is that few states have on the books a specific domestic assault offense; consequently successful prosecutions for domestic violence assault almost always result in a generic assault conviction, which a NICS background check will not recognize as a firearms disqualifier.⁷⁹

⁷³ *Id.*

⁷⁴ Sheryl Gay Stolberg, *Domestic Abusers Are Barred from Gun Ownership, But Often Escape the Law*, N.Y. TIMES (November 6, 2017), <https://www.nytimes.com/2017/11/06/us/politics/domestic-abuse-guns-texas-air-force.html>.

⁷⁵ See Arkadi Gerney & Chelsea Parsons, *Women Under the Gun: How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them*, Center for American Progress (2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf>.

⁷⁶ Jennifer Mascia, *Domestic Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why*, THE TRACE (Oct. 26, 2015), <https://www.thetrace.org/2015/10/domestic-abuse-guns-boyfriend-loophole/>.

⁷⁷ 18 U.S.C. § 922(g)(9).

⁷⁸ *Id.* The U.S. Supreme Court unanimously held that conviction of “misdemeanor domestic assault” qualified as a “misdemeanor crime of domestic violence” under Tennessee state law. Specifically, the Court held that the “physical force” requirement is satisfied by the degree of force that supports a common-law battery conviction — namely, “offensive touching”, thereby disqualifying him from possession of firearms. *United States v. Castleman*, 572 US 157, 158 (2014).

⁷⁹ The failure to notify NICS of domestic violence convictions was dramatically illustrated by the November 5, 2017 mass shooting at a Baptist Church in Sutherland Springs, Texas (26 killed; 20 wounded); an Air Force court martial had previously convicted the perpetrator of domestic violence, but did not report the conviction to NICS. Apparently, such non-reporting has been standard Air Force practice. See David

Policy Predictions

By the mid 1990s, even though federal gun control had momentum, several of Zimring and Hawkins's policy predictions had not materialized. There was no national register of handguns or handgun owners.⁸⁰ Indeed, the 1986 Firearm Owners' Protection Act prohibited the U.S. Attorney General from establishing a system of registration of firearms, firearms owners or firearms transactions or dispositions remained on the books.⁸¹ Congress had not passed a criminal law prohibiting firearms transfers to a transferee residing in a state or municipality where the transferee's possession would be illegal.⁸² While Zimring and Hawkins predicted that many large cities would adopt restrictive licensing or prohibit handguns altogether, they did not anticipate that more than 40 states would preempt municipalities from regulating firearms.⁸³ Moreover, Congress did not vote to provide federal law enforcement assistance to states and cities seeking to implement and enforce gun controls.⁸⁴

The Right to Carry Movement

At the time Zimring and Hawkins were writing *Citizen's Guide*, only a few states had permissive gun licensing regimes that presumed eligibility for a license or permit to carry concealed or unconcealed

Montgomery, Christopher Mele & Manny Fernandez, *Gunman Kills At Least 26 in Attack on Rural Texas Church*, N.Y. TIMES (Nov. 5, 2017), <https://www.nytimes.com/2017/11/05/us/church-shooting-texas.html>; Lisa Marie Pane & Robert Burns, *Texas Church Shooting: Air Force Lapse Allowed Devin Kelley to Buy Guns*, GLOBAL NEWS (Nov. 6, 2017), <https://globalnews.ca/news/3846808/how-did-devin-kelley-buy-gun/>.

⁸⁰ ZIMRING & HAWKINS, *supra* note 4, at 181.

⁸¹ 18 U.S.C. sec 926: "No such rule or regulation prescribed after the date of the enactment of the Firearm Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established. Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation."

⁸² ZIMRING & HAWKINS, *supra* note 4, at 183.

⁸³ ZIMRING & HAWKINS, *supra* note 4, at 183; *State Firearm Preemption Laws*, Everytown for Gun Safety (July 9, 2015), <https://everytownresearch.org/fact-sheet-preemption-laws/> (last visited Feb.10, 2018); see CAL. GOV'T CODE § 53071; FLA. STAT. § 790.33; Joseph Blocher, *Firearm Localism*, 123 YALE L. J. 82 (2013-2014).

⁸⁴ ZIMRING & HAWKINS, *supra* note 4, at 181.

handgun in public.⁸⁵ Passage of state “right to carry” laws was one of the most important gun policy developments of the 1990s. This right to carry movement did not “just happen;” it was the result of successful lobbying by the NRA and other gun rights organizations.⁸⁶ Lobbying was energized and legitimated by economist John Lott’s 1998 book, *More Guns, Less Crime*.⁸⁷ Lott presented data purporting to show that states that adopted right to carry laws experienced less violent crime.⁸⁸ While pro-gun control scholars, including Zimring and Hawkins, sharply criticized Lott’s research, his book provided intellectual legitimacy for the right to carry movement.⁸⁹ By 2017, more than 40 states either issued carry permits to adults with no recorded statutory firearms disqualification or permitted firearms-eligible residents to carry without a permit.⁹⁰

2004 Expiration of the Assault Weapon and Large Capacity Magazine Ban

The 1994 assault weapon and large capacity magazine bans were passed with a ten-year span; they would expire in September 2004 unless Congress acted affirmatively to renew them.⁹¹ Despite efforts by Senator Diane Feinstein and several other Congressional Democrats, renewal efforts failed.⁹² Consequently, in 2005, according to federal law, it was once more legal to manufacture, sell, and possess large capacity magazines. However, a small number of states have assault weapons and large capacity magazine bans.⁹³

⁸⁵ Larry Arnold, “The History of Concealed Carry, 1976 – 2011,” <http://txcha.org/texas-ltc-information/a-history-of-concealed-carry/>.

⁸⁶ See Mike Spies, “The N.R.A. lobbyist Behind Florida’s Pro-Gun Policies,” *The New Yorker*, March 5, 2018, <https://www.newyorker.com/magazine/2018/03/05/the-nra-lobbyist-behind-floridas-pro-gun-policies>.

⁸⁷ JOHN R. LOTT, JR., *MORE GUNS LESS CRIME: UNDERSTANDING CRIME AND GUN CONTROL LAWS* (1st ed. 1998); JOHN R. LOTT, JR., *THE WAR ON GUNS: ARMING YOURSELF AGAINST GUN CONTROL LIES* (2016).

⁸⁸ *Id.* at 15-17.

⁸⁹ Franklin Zimring & Gordon Hawkins, *Concealed Handguns: The Counterfeit Deterrent*, 7 *THE RESPONSIVE COMMUNITY* 46 (1997).

⁹⁰ See *Concealed Carry*, Gifford Law Center to Prevent Gun Violence, <http://lawcenter.giffords.org/gun-laws/policy-areas/guns-in-public/concealed-carry/> (last visited Feb. 27, 2018).

⁹¹ Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat 1796.

⁹² JACOBS, *supra* note 49, at 698.

⁹³ See, e.g., *N.Y. State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242 (2d Cir. 2015); *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015).

2005 Protection of Lawful Commerce in Arms Act

Zimring and Hawkins did not discuss the possibility that gun control might be achieved by tort litigation against manufacturers, wholesalers, and retailers. In the wake of successful litigation against cigarette manufacturers, lawyers representing victims of gun violence and some two dozen cities sued firearms manufacturers, claiming that they had negligently, even recklessly, sold guns to dealers whom they should have been aware were supplying them to criminals.⁹⁴ The goal of these lawsuits, in addition to imposing financial costs on the defendants, was to force manufacturers to police their distribution chains.⁹⁵ The Clinton Administration joined the lawsuit and, in 2000, negotiated a settlement with Smith & Wesson, under which the company promised to stop supplying guns to dealers shown to have sold a disproportionate number of crime guns and to invest in research on “smart-gun technology” so that a gun could only be fired by the persons to whom it had been programmed.⁹⁶ Smith and Wesson agreed not to sell its guns to dealers unless they instituted such policies as 14-day waiting periods, ceasing to sell certain handgun models, ceasing to sell at gun shows unless the show requires every seller to initiate purchaser background checks, and purchasing gun safety advertising. The settlement set off a storm of protests by gun owners and their advocates.⁹⁷ In response to intense lobbying by firearms manufacturers and the NRA, Congress passed the

⁹⁴ See generally TIMOTHY LYTTON, *SUING THE GUN INDUSTRY: A BATTLE AT THE CROSSROADS OF GUN CONTROL AND MASS TORTS* (2005).

⁹⁵ But see Franklin E. Zimring, *Comparing Cigarette Policy and Illicit Drug and Alcohol Control*, in *SMOKING POLICY: LAW, POLITICS & CULTURE* 95 (Robert Rabin & Stephen Sugarman eds., 1993).

⁹⁶ See Jerry Miller, “Smith and Wesson President Admits Consumer Boycott Hurting Sales,” *CNS News*, July 7, 2008, <https://www.cnsnews.com/news/article/smith-wesson-president-admits-consumer-anger-hurting-sales>; see Press Release, The White House, Office of the Press Secretary, Clinton Administration Reaches Historic Agreement with Smith and Wesson (March 17, 2000), https://clintonwhitehouse4.archives.gov/textonly/WH/New/html/20000317_2.html.

⁹⁷ For the settlement itself, see Settlement Document, National Rifle Association & Institute for Legislative Action, Smith & Wesson Settlement Agreement (March 17, 2000), <https://www.nraila.org/articles/20000317/smith-wesson-settlement-agreement>; Avi Selk, *A gunmaker once tried to reform itself. The NRA nearly destroyed it*, *WASH. POST* (Feb. 27, 2018), https://www.washingtonpost.com/news/retropolis/wp/2018/02/27/a-gunmaker-once-tried-to-reform-itself-the-nra-nearly-destroyed-it/?utm_term=.ae9cf265329e; Jerry Miller, “Smith and Wesson President Admits Consumer Boycott Hurting Sales,” *CNS News*, July 7, 2008, <https://www.cnsnews.com/news/article/smith-wesson-president-admits-consumer-anger-hurting-sales>.

Protection of Lawful Commerce in Arms Act, which granted immunity to manufacturers, wholesalers, and retailers from liability to victims of gun violence.⁹⁸ That Act closed off another possible route to gun control.

2008 Supreme Court's Intervention

In *Citizen's Guide*, Zimring and Hawkins claimed agnosticism on whether the Second Amendment guaranteed an individual right to keep and bear arms, but pointed out that the great weight of authority supported a militia-related interpretation of the Amendment.⁹⁹ They did not anticipate the Supreme Court's seminal decision in *District of Columbia v. Heller*, striking down the District of Columbia's handgun prohibition.¹⁰⁰ The Court held that the Second Amendment guarantees an individual's right to keep and bear arms, at least in the home for self-defensive purposes.¹⁰¹ Two years later, the Court held in *City of Chicago v. McDonald* that the Fourteenth Amendment guaranteed a right to keep and bear arms against state and local infringement.¹⁰² These decisions extinguish any possibility of banning handgun production, sale, or possession.

Energized by the *Heller* and *McDonald* decisions, Second Amendment advocates challenged restrictive handgun licensing schemes in New York, California, Delaware and a few other states that had not jumped on the right-to-carry bandwagon.¹⁰³ The Second Circuit Court of Appeals upheld New York's law requiring a person who applies for a license to carry a gun in public to demonstrate good moral character and a special reason for needing to carry a gun.¹⁰⁴ However, the Seventh Circuit struck down Illinois' ban on carrying handguns in public¹⁰⁵ and the D.C. Court of Appeals struck down the District of Columbia's restrictive licensing law.¹⁰⁶ Ultimately, the Supreme Court will have to decide if restrictive licensing remains an option for states and municipalities. Even if restrictive gun licensing remains a permissible option, it is unlikely that, in the foreseeable future, more than a few

⁹⁸ See Protection of Lawful Commerce in Arms Act, H.R. 109-124 (2005).

⁹⁹ ZIMRING & HAWKINS, *supra* note 4, at 139-148.

¹⁰⁰ See *Heller v. District of Columbia*, 554 U.S. 570 (2008).

¹⁰¹ *Id.*

¹⁰² See *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

¹⁰³ Joseph Blocher and Eric Ruben, "From Theory to Doctrine: An Empirical Analysis of the Right to Keep and Bear Arms after Heller," 67 *Duke L.J.* 1433 (2018).

¹⁰⁴ *Kachalsky v. County of Westchester*, 701 F.3d 81 (2d Cir. 2012).

¹⁰⁵ *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012).

¹⁰⁶ *Wrenn v. District of Columbia*, 808 F.3d 81 (2015).

municipalities would choose it, assuming their state legislatures do not preempt them from doing so.

Failure to Pass Federal Gun Control Legislation AFTER the 2012 Sandy Hook Elementary School Massacre

The December 14, 2012 massacre of twenty first-grade children and six teachers at Sandy Hook Elementary School in Newtown, Connecticut¹⁰⁷ touched off a major effort to pass new federal gun controls. At a December 16, 2012 prayer vigil for the victims, President Barack Obama, who campaigned for president on strong gun control platforms, said:

“In the coming weeks, I will use whatever power this office holds to engage my fellow citizens — from law enforcement to mental health professionals to parents and educators — in an effort aimed at preventing more tragedies like this. Because what choice do we have? We can't accept events like this as routine. Are we really prepared to say that we're powerless in the face of such carnage, that the politics are too hard? Are we prepared to say that such violence visited on our children year after year after year is somehow the price of our freedom?”¹⁰⁸

President Obama and the Congressional Democratic Party leaders focused on two proposals: 1) renewal of the assault weapon and large capacity magazine bans; and 2) universal background checking.¹⁰⁹ The bill for the assault weapons ban attracted the support of only 40 senators.¹¹⁰ The bipartisan universal background checking bill, also known as the Manchin-Toomey bill, required purchaser background checks for firearms transfers initiated at gun shows or over internet websites, but not those resulting from personal contacts or ads posted to bulletin boards at work, country stores, bars, or elsewhere; this was far

¹⁰⁷ See *Report of the State's Attorney For the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Conn. on December 14, 2014*, http://www.ct.gov/csao/lib/csao/Sandy_Hook_Final_Report.pdf; See also Steve Vogel, Sari Horowitz and David Fahrenthold, “Sandy Hook Elementary School Shooting Leaves 28 Dead, Law Enforcement Sources Say.” THE WASHINGTON POST, Dec. 14, 2012, https://www.washingtonpost.com/politics/sandy-hook-elementary-school-shooting-leaves-students-staff-dead/2012/12/14/24334570-461e-11e2-8e70-e1993528222d_story.html?utm_term=.77e19c3793dd. See generally MATTHEW LYSIAK, *NEWTOWN: AN AMERICAN TRAGEDY* (2013).

¹⁰⁸ *Transcript: President Obama At Sandy Hook Prayer Vigil*, NATIONAL PUB. RADIO (Dec. 16, 2012), <https://www.npr.org/2012/12/16/167412995/transcript-president-obama-at-sandy-hook-prayer-vigil>.

¹⁰⁹ JACOBS, *supra* note 49, at 700-701.

¹¹⁰ *Id.* at 702.

less than “universal.”¹¹¹ Nevertheless, the bill fell six votes short of the sixty needed to defeat a filibuster.¹¹² In the 12 months after the Sandy Hook massacre, almost every state enacted at least one new gun law, but two-thirds of these laws actually expanded gun owner’s rights.¹¹³

Proliferation of Civilian Handgun Stock

Zimring and Hawkins warned that, without a national commitment to radical reduction in the number of handguns in civilian hands, the stock of civilian handguns might grow from an estimated 35 million to 50 million in 30 years,¹¹⁴ and that such growth would fuel violent crime, especially in cities.

“Each year of federal indifference to handgun supply adds up to about 2 million pistols and revolvers to an inventory of weapons that a restrictive policy would seek to shrink. How much of an additional burden this imposes on future restrictive efforts cannot be estimated because we do not know how long new handguns remain operable and because it is not possible to estimate the impact of government repurchase efforts. But each year of unrestricted aggregate handgun supply makes the transition to national handgun scarcity more difficult and more expensive.”¹¹⁵

Zimring and Hawkins’s recommendation to shrink the civilian handgun stock did not materialize. In the 30 years since the publication of *Citizen’s Guide*, the civilian handgun stock has more than tripled, but violent crime decreased fifty percent.¹¹⁶ In 1987, there were 1.7 million handguns manufactured in the U.S. each year; just under half were revolvers.¹¹⁷ Production at that rate would have added 51 million more

¹¹¹ Jacobs & Fuhr, *supra* note 27 at 546-551.

¹¹² Aaron Blake, *Manchin-Toomey Gun Amendment Fails*, WASH. POST (April 17, 2013), https://www.washingtonpost.com/news/post-politics/wp/2013/04/17/manchin-toomey-gun-amendment-fails/?utm_term=.25673cb307ff.

¹¹³ *State Gun Laws Enacted in the Year After Newtown*, N.Y. TIMES (December 10, 2013), <http://www.nytimes.com/interactive/2013/12/10/us/state-gun-laws-enacted-in-the-year-since-newtown.html>.

¹¹⁴ ZIMRING & HAWKINS, *supra* note 4, at 205.

¹¹⁵ *Id.* at 188.

¹¹⁶ FRANKLIN ZIMRING, *THE GREAT AMERICAN CRIME DECLINE* (2006); FRANKLIN ZIMRING, *THE CITY THAT BECAME SAFE: NEW YORK’S LESSONS FOR URBAN CRIME AND ITS CONTROL* (2012). Zimring explored in depth the relationship between guns and lethal violence in the U.S. in Chapter 7 (“Firearms and Lethal Violence”) in *CRIME IS NOT THE PROBLEM* (1997) at 106-123.” The singular preoccupation with guns and gun use overstates the degree to which U.S. lethal violence can be explained by a single cause, but not by much.” *Id.* at 106.

¹¹⁷ *Firearms Commerce in the United States: Annual Statistical Update 2014*, U.S.

handguns between 1987 and 2017, resulting in a 2017 civilian handgun stock of 85 million without considering handgun imports, minus an unknown number of handguns having become dysfunctional.¹¹⁸ In fact, domestic annual firearms production doubled after 2009, so that 2015's handgun production was around 4,200,000; semi-automatic pistols accounted for about three-fourths of that total number.¹¹⁹ Foreign imports remain strong. That makes 100 million a conservative handgun estimate,¹²⁰ half of which are semi-automatic pistols. Moreover, there is a real possibility that, in the near future, the stock of domestic and foreign manufactured handguns will be augmented by 3D printed "ghost" guns without serial numbers or documented history.¹²¹

Zimring and Hawkins observed that a major reduction of the civilian handgun stock would require a fundamental reduction in demand for handguns.¹²² If such a change were to occur, they speculated, the demographic segments that would lead the way would be elderly, women, Blacks and urban upper middle-class men.¹²³ While data are murky, since the late 1980s, there was a decline in the percentage of households where a firearm was present from 47 percent in 1990 to 37 percent in 2013, although the percentage climbed back to 43 percent in 2018.¹²⁴ There is a greater percentage of women who own guns, and the gender gap has narrowed. A comparatively greater percentage of persons over sixty-five

Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, <https://www.atf.gov/file/3336/download>.

¹¹⁸ In 2015, 3,600,000 handguns were imported, exceeding the number of domestically manufactured handguns that were exported. See U.S. DEPT. OF JUSTICE BUR. OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, FIREARMS COMMERCE IN THE UNITED STATES: ANNUAL STATISTICAL UPDATE (2016).

¹¹⁹ *Number of total firearms manufactured in the U.S. from 1986 to 2015*, STATISTA, <https://www.statista.com/statistics/215395/number-of-total-firearms-manufactured-in-the-us/> (last visited Feb. 10, 2018).

¹²⁰ Deborah Azrael, et al., *The Stock and Flow of U.S. Firearms: Results from the 2015 National Firearms Survey*, 3 Russell Sage Found. J. Soc. Sci. 38 (2017), <http://www.rsjournal.org/doi/pdf/10.7758/RSF.2017.3.5.02> at page 42-43 (last visited Jan. 10, 2019).

¹²¹ See generally James Jacobs & Alex Haberman, *3D-Printed Firearms, Do-It-Yourself Guns, & the Second Amendment*, 80 LAW & CONTEMP. PROBS. 129 (2017).

¹²² ZIMRING & HAWKINS, *supra* note 4, at 194.

¹²³ *Id.* at 195.

¹²⁴ *Percentage of Households in the United States Owning One or More Firearms From 1972 to 2018*, STATISTICA (2018), <https://www.statista.com/statistics/249740/percentage-of-households-in-the-united-states-owning-a-firearm/>.

now own firearms.¹²⁵ The percentage of African-American gun owners also appears to have increased.¹²⁶

In addition to slowing or stopping the addition of new handguns into civilian hands, a commitment to handgun scarcity would require taking millions of already-owned guns out of circulation. Zimring and Hawkins explained that a restrictive federal handgun licensing law would have to persuade existing owners who could not meet new rigorous licensing requirements to surrender their handguns.¹²⁷ They speculated that a generous government buyback program would be necessary, albeit insufficient.¹²⁸ After *Heller*, handgun prohibition would be unconstitutional. Handgun buyback, without prohibition, would be of limited value in reducing the civilian handgun stock because gun owners could, in effect, exchange old guns for compensation that would be used to purchase new guns.¹²⁹

Contrary to Zimring and Hawkins's more-guns, more-gun-crime hypothesis, there has been a precipitous decline in gun crime and violent crime generally since the early 1990s.¹³⁰ Ironically perhaps, Zimring has been one of the leading scholars documenting and analyzing the extraordinary crime decline that coincides with the extraordinary increase in the civilian stockpile of handguns.¹³¹

¹²⁵ See Tom W. Smith & Jaesok Son, *General Social Survey Final Report: Trends in Gun Ownership in the United States, 1972-2014*, NORC at the University of Chicago (2015), http://www.norc.org/PDFs/GSS%20Reports/GSS_Trends%20in%20Gun%20Ownership_US_1972-2014.pdf; See also *Percentage of Population in the United States with at Least One Gun in the Gousehold in 2017, by age*, STATISTA, <https://www.statista.com/statistics/623409/gun-ownership-in-the-us-by-age/> (last visited Feb. 10, 2018) (indicating that persons 65 years of age and older own guns at a rate as high as any other age group).

¹²⁶ Brandon E. Patterson, *African-American Gun Ownership is Up and So Is Wariness*, MOTHER JONES (July 12, 2016), <https://www.motherjones.com/politics/2016/07/black-gun-ownership-castile-police-shooting/>.

¹²⁷ ZIMRING & HAWKINS, *supra* note 4, at 185.

¹²⁸ *Id.* at 153.

¹²⁹ In 1998, the Australian National Firearms Agreement, marked the most successful buyback program in history. However, that initiative involved *prohibition* plus buyback of six hundred fifty thousand semi-automatic long guns. *Firearms-Control Legislation and Policy: Australia*, LIBRARY OF CONGRESS, <https://www.loc.gov/law/help/firearms-control/australia.php>.

¹³⁰ See generally FRANKLIN ZIMRING, *THE GREAT AMERICAN CRIME DECLINE* (2006) at 13; See generally FRANKLIN ZIMRING, *THE CITY THAT BECAME SAFE* (2011).

¹³¹ *Id.*

Conclusion

In *Citizen's Guide to Gun Control*, Frank Zimring and Gordon Hawkins analyzed the handgun control options available to the U.S. in the late 1980s and predicted that several of these options would become a reality. Their predictions seemed quite plausible until the mid-1990's, after which gun control has been in sharp decline. There are fewer options available in 2018 because: 1) the civilian handgun stock has tripled; 2) the Supreme Court has held that the Second Amendment guarantees an individual right to keep and bear arms, at least in the home; 3) pro-gun-owners' rights sentiment in some 40 states is much stronger than it was in 1987; and 4) Republicans control both houses of Congress, the White House, state governorships, and two-thirds of the houses of state legislatures.¹³² Seven to eight states are strongly pro-gun-control, but most of the other 40 states have become more firmly committed to protecting pro-gun-owners' rights.

Citizen's Guide provides an important window on the state of gun control in the late 1980s. It reminds us that controversy over the regulation of firearms is not new and that there is much to be learned from what has been achieved and not achieved in the past three decades. Perhaps this retrospective review of *Citizen's Guide to Gun Control* will dampen expectations of what is likely to be achieved in the near future? Perhaps it will provide guidance to those seeking better controls on strategies? Perhaps it will make us policy analysts a little more cautious about predicting the future?

¹³² Amber Phillips, *These 3 Maps Show Just How Dominant Republicans are in America After Tuesday*, WASH. POST (Nov. 12, 2016), https://www.washingtonpost.com/news/the-fix/wp/2016/11/12/these-3-maps-show-just-how-dominant-republicans-are-in-america-after-tuesday/?utm_term=.7e155b404be9.